

REMARKS

The Examiner is thanked for the performance of a thorough search. Claims 1-21, 23-43, and 45-48 are pending in this application. Claims 49-50 are canceled. (Note that Claims 22 and 44 were cancelled in the previous amendment.) Claims 45-46 are amended. The amendments to the claims as indicated herein do not add any new matter to this application. All issues raised in the Office action are addressed hereinafter.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

1. Claims 1-21 and 23-43 allegedly unpatentable over Aronberg in view of Bigus

Claims 1-21 and 23-43 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Number 5,933,647 issued to Aronberg et al. (hereafter "Aronberg") in view of U.S. Patent Number 6,718,358 issued to Bigus et al. (hereafter "Bigus"). (Office Action, page 2) The rejection is respectfully traversed.

Claim 1

Claim 1 recites the following features:

A method for installing and configuring an application on a device on a network, the method comprising the steps of:

sending, from the device to a server on the network, a request that (a) requests a

database application from the server, and **(b) includes resource information that indicates resources that are available on the device;**

downloading, from the server, a customized value for a configuration parameter to be used by the database application, when the database application is executed on the device, to determine how the database application allocates resources on the device, **wherein the customized value was determined by the server based on the resource information;**

downloading the database application to the device;

installing the database application on the device; and

configuring the database application to include the customized value for the configuration parameter. (Emphasis added.)

As it was explained in the Applicants' previous Response, it does not make sense to combine Aronberg with Bigus for the purpose of rejecting Claim 1. It is unclear how

Aronberg could be modified with the teaching of Bigus since Bigus relies upon performance data to determine the tuning settings, which means that the software is already installed and operating, while in Aronberg, the software is not yet installed, and thus, there is no performance data for the software to be collected from a target as in Bigus. The current Office Action has not addressed the above argument.

As it was also pointed out in the Applicants' previous Response, Aronberg failed to disclose or suggest "sending, from the device to a server on the network, a request that [...] **(b) includes resource information that indicates resources that are available on the device,**" featured in Claim 1. The current Office Action has not directly addressed this argument, either. In fact, in quoting Claim 1, the Office Action omitted the above feature of the Claim 1.

It should also be pointed out that since Aronberg does not disclose "(b) includes resource information that indicates resources that are available on the device," (as required by Claim 1), Aronberg cannot possibly disclose "**wherein the customized value was determined by the server based on the resource information,**" (also required by Claim 1). If Aronberg's server does not receive "the resource information" from the device, it cannot determine "the customized value" based on "the resource information".

Further, it should also be pointed out that since Aronberg does not disclose "(b) includes resource information that indicates resources that are available on the device," recited in Claim 1, Aronberg cannot disclose "**configuring the database application to include the customized value for the configuration parameter,**" also recited in Claim 1. If Aronberg's server does not receive "the resource information" from the device, and has no "resource information" to determine "the customized value" to send to the device, Aronberg's device cannot receive from the server a customized value to include in the configuration parameter.

Thus, Aronberg and Bigus, alone or in combination, fail to teach the above features recited in Claim 1.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 23

Claim 23 contains features that are either the same as or similar to those described above with respect to Claim 1. In particular, Claim 23 features:

sending, from the device to a server on the network, a request that (a) requests a database application from the server, and **(b) includes resource information that indicates resources that are available on the device;**
downloading, from the server, a customized value for a configuration parameter to be used by the database application, [...], **wherein the customized value was determined by the server based on the resource information; [...]** and **configuring the database application to include the customized value for the configuration parameter.** (Emphasis added.)

All the above emphasized features are similar to the features discussed for Claim 1.

Therefore, based on at least the reasons stated above with respect to Claim 1, Applicants respectfully submit that Claim 23 is allowable over the art of record and is in condition for allowance.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 21 and 43

Claims 21 and 43 contain features that are either the same as or similar to those described above with respect to Claim 1. In particular, both Claims 21 and 43, feature:

receiving, at a server on the network from the device, a request that (a) requests said application from the server, and **(b) includes resource information that indicates resources that are available on the device;**
determining a customized value for a configuration parameter based on the resource information, [...];
sending to the device the initial **customized value for the configuration parameter;**
and
sending to the device data causing the application to be [...] **(c) configured to include the customized value for the configuration parameter.** (Emphasis added.)

All the above emphasized features are similar to the features discussed for Claim 1.

Therefore, based on at least the reasons stated above with respect to Claim 1,

Applicants respectfully submit that Claims 21 and 43 are allowable over the art of record and is in condition for allowance.

Reconsideration and withdrawal of the rejection is respectfully requested.

The claims that are not discussed above depend directly or indirectly on the claims that have been discussed. Therefore, those claims are patentable for the reasons given above. In addition, each of the dependent claims separately introduces features that independently render the claim patentable. However, due to the fundamental differences already identified, and to expedite positive resolution of the examination, separate arguments are not provided for each of the dependent claims at this time.

2. Claims 45-46 allegedly unpatentable over Aronberg in view of Owens

Claims 45-46 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Aronberg et al. in view of U.S. Patent Number 5, 555, 416 issued to Owens et al. ("Owens"). (Office Action, page 12) The rejection is respectfully traversed.

Claim 45

Currently Amended Claim 45 recites the following features:

A machine-implemented method, comprising the steps of:

- receiving, at an appliance, a document that includes textual elements that specify
 - (a) steps for installing and configuring an application on the appliance, and
 - (b) a customized parameter value to use when installing and configuring the application on the appliance;

- after receiving the document, translating the textual elements to commands; and
- the appliance executing the commands to perform said steps to install the application on the appliance and to **configure the application to include the customized parameter value**; wherein:

- the **customized parameter value is determined by a server, based on resource information that indicates resources that (a) are available on the appliance and (b) is sent by the appliance to the server**, and

- the customized parameter value is used by the application, when the application is executed on the appliance, to determine how the application allocates resources on the appliance. (Emphasis added.)

As it was pointed out in the discussion of Claim 1, Aronberg fails to disclose or suggest; 1) **“resource information that indicates resources that (a) are available on the appliance, and (b) is sent by the appliance to the server,”** 2) **“customized parameter value is determined by a server, based on resource information,”** and 3) **“configure the application to include the customized parameter value,”** all recited in Claim 45.

Owens does not disclose the above features either. In Owens, a software installation on a target computer does not require the target computer to send any resource information to the server. In Owens, the software installation on the target computer is performed by a boot device, an install media and a storage device residing on a computer network. (Column 2, lines 2-23). The storage device contains a collection of installation files already customized for the target computer. (Column 2, lines 26-28) The customized collection of installation files comprises a classification rules file, pre-install class scripts, install class parameters files, and post-installation class script files. (Column 2, lines 28-31) Together, these files customize and configure the software installation on the target computer. (Column 2, lines 32-34) Owens intentionally maintains the separation of the customized installation files from the server to provide flexibility in the installation process, and allow installation procedures to be broken down into separate scripts. In Owens, the non-customized scripts are “re-used” for the whole group of computers, whereas the customized scripts are only used for a particular target computer. (Column 3, lines 12-16).

However, Owens’ target computer (which has been equated to **“an appliance”**) does not send its **“resource information” to the server** to indicate **its resources** before new software is installed on it. In fact, Owens’ target computer never specifically contacts the server to request an installation of new software. Instead, during a booting routine, the target computer determines whether the network system administrator has decided that new software needs to be installed on the target computer, and checks whether any new software has been already downloaded onto installation media. Subsequently, continuing with the booting process, the target computer invokes the collection of the installation files and rules that are used to customize the software installation on the target computer. (Fig. 3, column 6, lines 65+; column 7, lines 1-18) Clearly then, to initiate and perform a software installation,

Owens' target computer ("an appliance") does not send to the server any **resource information that indicates the target computer's resources**, and does not receive from the server a "**customized parameter value**" **determined by a server based on** the target computer's **resource information** to proceed with the installation.

Therefore, Aronberg and Owens, separately and in combination, fail to describe the above discussed features of Claim 45.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 46

Claim 46 contains features that are either the same as or similar to those described above with respect to Claim 45. Therefore, based on at least the reasons stated above with respect to Claim 45, Applicants respectfully submit that Claim 46 is allowable over the art of record and is in condition for allowance.

Reconsideration and withdrawal of the rejection is respectfully requested.

3. Claims 49-50 allegedly unpatentable over Aronberg in view of Owens and further view of Bigus

Claims 49-50 have been rejected under 35 U.S.C. § **103(a)** as allegedly unpatentable over Aronberg et al. in view of Owens et al., and in further view of Bigus. (Office Action, page 14) Claims 49-50 are cancelled.

CONCLUSION

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. After entry of the amendments, further examination on the merits is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: February 11, 2008

MalgorzataAKulczycka#50496

Malgorzata A. Kulczycka

Reg. No. 50496

2055 Gateway Place, Suite 550
San Jose, CA 95110-1089
Telephone: (408) 414-1228
Facsimile: (408) 414-1076